

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ESTATE OF EITAM HENKIN,	:	
ESTATE OF NAAMA HENKIN,	:	Case No. 19-cv-5394
I.Z.H., a minor, by his guardians ad litem	:	
YOAV ARMONI and DAVID JACKSON,	:	COMPLAINT
M.H.H., a minor, by his guardians ad litem	:	
YOAV ARMONI and DAVID JACKSON,	:	
N.E.H., a minor, by his guardians ad litem	:	
YOAV ARMONI and DAVID JACKSON,	:	
and N.Y.H., a minor, by his guardians ad	:	
litem YOAV ARMONI and DAVID	:	
JACKSON	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
KUVEYT TÜRK KATILIM BANKASI	:	
A.Ş.,	:	
	:	
Defendant.	:	

Plaintiffs Estate of Eitam Henkin, Estate of Naama Henkin, I.Z.H., M.H.H., N.E.H., and N.Y.H., by their attorneys, allege the following:

NATURE OF THE ACTION

1. Plaintiffs Estate of Eitam Henkin, Estate of Naama Henkin, and Eitam and Naama Henkin's four minor children I.Z.H., M.H.H., N.E.H., and N.Y.H. by their guardians YOAV ARMONI and DAVID JACKSON (collectively, "Plaintiffs"), bring this Complaint pursuant to 18 U.S.C. § 2333(d) of the Anti-Terrorism Act ("ATA"), 18 U.S.C. §§ 2331-2339D, against KUVEYT TÜRK KATILIM BANKASI A.Ş. ("KUVEYT BANK"), a bank headquartered in Turkey. Plaintiffs allege that KUVEYT BANK aided and abetted the Islamic Resistance Movement ("HAMAS"), a designated Foreign Terrorist Organization ("FTO") that murdered Eitam Henkin and Naama Henkin and injured their children, by knowingly providing it substantial

assistance via financial services during the relevant period (2012-2015). KUYEY BANK aided and abetted HAMAS knowing its own role in facilitating funds transfers through the international and U.S. financial systems on HAMAS's behalf and fully aware of HAMAS's violent activities.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2338, as a civil action brought by nationals of the United States who were killed or injured by reason of acts of international terrorism, and their estates, survivors, and heirs.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (d) and 18 U.S.C. § 2334(a).

4. KUYEY BANK is subject to personal jurisdiction in the State of New York pursuant to 18 U.S.C. § 2334(a), CPLR § 302, and Fed. R. Civ. P. 4(k)(1)-(2) because it has transacted business and committed tortious acts within the United States (and New York) by transferring funds through the United States (and New York) for the benefit of the FTO HAMAS and has purposefully availed itself of United States jurisdiction in the course of committing the wrongful acts alleged herein.

5. Specifically, KUYEY BANK effectuates its U.S. dollar-denominated funds transfers through the following correspondent banks located in New York:

- a. Citibank NA, account number 36063425;
- b. HSBC Bank NA, account number 000168319;
- c. Standard Chartered Bank, account number 3582020569001; and,
- d. Bank of New York Mellon, account number 8900111917.

6. During the relevant period, KUYEY BANK purposefully and knowingly used its correspondent bank accounts in New York to facilitate U.S. dollar-denominated funds transfers for HAMAS's benefit, thereby providing substantial assistance to HAMAS.

PARTIES

A. The Plaintiffs

7. **Estate of Eitam Henkin.** Eitam Henkin, a U.S. national, was killed in a terrorist attack perpetrated by HAMAS on October 1, 2015 ("the Attack"). The Estate of Eitam Henkin brings its claims through its court-appointed personal representatives—Yoav Armoni and David Jackson.

8. **Estate of Naama Henkin.** Naama Henkin, Eitam Henkin's wife, was also killed in the Attack. Because Naama Henkin was not a U.S. national, her estate, through its court-appointed personal representatives Yoav Armoni and David Jackson, brings claims for Naama's extreme emotional distress resulting from her husband's murder.

9. None of the four children identified below are U.S. nationals. Their guardians *ad litem* bring these claims on behalf of the children for the losses they incurred as a result of their father's murder.

10. **I.Z.H.**, a minor, is the son of Eitam and Naama Henkin. I.Z.H.'s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

11. **M.H.H.**, a minor, is the son of Eitam and Naama Henkin. M.H.H.'s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

12. **N.E.H.**, a minor, is the son of Eitam and Naama Henkin. N.E.H.'s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

13. N.Y.H., a minor, is the son of Eitam and Naama Henkin. N.Y.H.'s claims are brought by his guardians *ad litem*, Yoav Armoni and David Jackson.

B. The Defendant

14. KUYEYT BANK is incorporated, and has its principal place of business, in Turkey. It was first incorporated and began operations in 1989 under the name of “Kuveyt Türk Evkaf Finans Kurumu A.Ş.”

15. To comply with Turkish law, the bank's name was changed in April 2006 to “Kuveyt Türk Katılım Bankası A.Ş.”¹

16. Its major shareholders include:

- a. General Directorate of Associations (Turkey): 18.72%;
- b. Islamic Development Bank (Jeddah, Saudi Arabia): 9.0%;
- c. Social Security Institution of Kuwait (Kuwait City, Kuwait): 9.0%; and
- d. Kuwait Finance House KSC (Kuwait City, Kuwait): 62.24%.²

17. Turkey's legal system solely criminalizes terrorist acts committed against Turkey or Turkish citizens (that are committed anywhere) but does not encompass terrorist acts committed against non-Turkish citizens. However, according to the Turkish banking association to which KUYEYT BANK belongs, Turkey observes “Know Your Customer” procedures and filters transactions through the Office of Foreign Assets Control (“OFAC”) and EU lists of blacklisted persons and entities.

18. KUYEYT BANK maintains a Risk, Control and Compliance Department that claims to engage in (a) suspicious activity reporting, (b) transaction monitoring, (c) adverse information screening, and (d) sanctions compliance.

¹ <https://www.kuveytturk.com.tr/medium/document-file-1302.vsf>

² <https://www.kuveytturk.com.tr/en/international/who-we-are/shareholder-structure>

19. KUYEYT BANK claims that its Anti-Money Laundering and Combating Finance of Terrorism Policy prohibits it from maintaining a business relationship with “[t]hose who are in the lists of supporters of money laundering and/or financing terrorism prepared by local regulators or international bodies and institutions” and that it monitors “the client and his/her activities while the client-relationship continues.”

FACTUAL ALLEGATIONS

I. The October 1, 2015 Act of International Terrorism

20. On the evening of October 1, 2015, Eitam Henkin (a U.S. national), his wife Naama Henkin, and their four minor children I.Z.H., M.H.H., N.E.H. and N.Y.H. (collectively, “the Henkin Family”), were driving south in the West Bank near Nablus on Route 555 when their car was overtaken by another vehicle containing three HAMAS gunmen: Karam Lutfi Fathi Razek (“Razek”), Ihya Muhammed Naif Abdallah Haj Hamed (“Ihya”), and Samir Kusa (known as “Abu Zuhair”).

21. Ihya leaned out of his window and sprayed automatic gunfire at the Henkin Family, bringing their vehicle to a halt.

22. Razek and Ihya immediately exited their vehicle, while Abu Zuhair remained behind the wheel. Razek approached the Henkins’ car and opened the driver’s side door.

23. Although he was wounded by the initial gunfire, Eitam bravely attempted to defend his family by struggling with Razek.

24. Ihya approached the passenger side of the vehicle and opened it just as Razek and Eitam began to struggle over Razek’s weapon.

25. Ihya then fired at Eitam, killing him and wounding Razek, before shooting Naama at point blank range and killing her.

26. The four Henkin children, then ages nine, seven, four, and ten months witnessed their parents' murders.

27. Several days later, the Israeli Army apprehended the three HAMAS gunmen and other individuals who helped them plan and execute the Attack.

28. Razek and Ihya were each convicted and sentenced to two life sentences plus 30 years.

29. HAMAS leaders and at least one of its official websites praised the attack.

30. The terrorists also admitted that they were HAMAS operatives and that HAMAS had committed the Attack.

II. The Islamic Resistance Movement ("HAMAS")

A. HAMAS's Founding

31. Several prominent terrorist organizations operate in Palestinian-controlled territory, most notably HAMAS, a radical Islamist terrorist organization committed to the globalization of Islam through violent "jihad" (holy war) and the destruction of the State of Israel.

32. HAMAS³ was established in the Gaza Strip on December 10, 1987, shortly following the outbreak of the First Intifada.⁴ HAMAS announced its founding in an "official" communiqué on December 14, 1987.

33. HAMAS represented the culmination of approximately 15 years of preparation and organization building, led by Ahmed Yassin (also known as "Sheikh Yassin"), the unrivaled leader

³ HAMAS is an acronym of the Arabic "*Harakat al-Muqawama al-Islamiya*"—Islamic Resistance Movement—but its name also means, in Arabic, enthusiasm, courage, and zeal for battle.

⁴ The term "First Intifada," as used herein, refers to the violent conflict that broke out in December 1987 between the Palestinians and Israel. Although it has no official ending date, it is generally considered to have concluded with the signing of the Oslo Accords in September 1993.

of what had been the Muslim Brotherhood Movement in the Gaza Strip.⁵

34. Although Yassin had been confined to a wheelchair throughout his adult life, he worked unceasingly for the establishment of HAMAS in the Gaza Strip. When HAMAS was established in Yassin's home in 1987, the Islamic Resistance Movement already had a defined ideology and a group of pre-existing institutions in Gaza, such as *Al-Mujama Al-Islami* (the Islamic Center), *Al-Jam'iya Al-Islamiya* (the Islamic Society), and the Islamic University of Gaza that were the flagship institutions of the Muslim Brotherhood's civilian social framework—the *da'wa*.⁶

35. On December 10, 1987, after violence broke out in the Jabalia Refugee Camp, Sheikh Yassin invited six of the leaders of the Muslim Brotherhood in Gaza to his home.

36. There the group decided on the establishment of HAMAS, a terrorist organization that would combine terror against Israel with its *da'wa* activities, through *Al-Mujama Al-Islami*, *Al-Jam'iya Al-Islamiya*, and the Islamic University of Gaza.

37. In 1973, Yassin had established *Al-Mujama Al-Islami*, and in 1976, he had formed *Al-Jam'iya Al-Islamiya*.

38. The two organizations, which were based in Gaza, quickly expanded and established branches throughout the Gaza Strip, but neither of them was, at the time of its establishment, *openly* militant.

39. Initially, the two organizations primarily centered their activities on mosques, which were not meant solely for prayer. They also served as centers for social, educational, cultural

⁵ The Muslim Brotherhood Movement was established in Egypt in 1928 by Hassan al-Banna, and was dedicated to fighting Western influences on Muslim society; ensuring the adherence of Muslims to Islamic law (Shari'a); and following the rectification of Muslim society, to eventually establishing an Islamic state that would expand its rule over the world by means of jihad and a call to join Islam.

⁶ The word "*da'wa*," of which the basic meaning in Arabic is "the call to the believers to shelter beneath the faith – return to the faith," is used herein to refer to HAMAS's civilian infrastructure that supports its violent (terrorist) operations.

and political activity, while enjoying a measure of ex-territorial immunity that derived from their religious nature.⁷

40. HAMAS considers the seven participants in the December 1987 meeting its founding fathers. All of them were members of the Muslim Brotherhood, and six of them were members of *Al-Mujama Al-Islami*: Sheikh Yassin, Salah Shehada, Abd al-Aziz al-Rantisi, Muhammad Sham'a, Ibrahim al-Yazuri, Issa al-Nashar, and Abd al-Fatah Dukhan.

41. At the meeting, Sheikh Yassin was recognized as the supreme leader of HAMAS.

42. His six associates in founding the movement became HAMAS's leadership council, and each of them was appointed to head a particular region of the Gaza Strip: Salah Shehada was responsible for the northern Gaza Strip; Abd al-Aziz al-Rantisi was responsible for the Khan Yunis area; Muhammad Sham'a was put in charge of Shati Refugee Camp; Ibrahim al-Yazuri was put in charge of Gaza City; Issa al-Nashar was put in charge of the Rafah area; and Abd al-Fatah Dukhan was put in charge of the central camps (four refugee camps).

43. All seven of HAMAS's founders were members of the *da'wa* apparatus (the civilian infrastructure of the Muslim Brotherhood and later of HAMAS).

44. In a February 1, 1988 article titled "Islam's Voice in Gaza," *Time Magazine* wrote about Sheikh Yassin and his obvious connection to the Islamic Center in Gaza:

Sheik Yasin, 51, is a spiritual leader of the Islamic fundamentalist movement in Gaza and thus a prime force behind the religious gale that has recently fanned the flames of unrest in the occupied territories. Born in the Arab village of Al-Joura, Sheik Yasin has been paralyzed below the neck since age 15 as the result of an athletic accident. He resides with his wife and eleven children in a one-story house in Gaza City. Family members

⁷ Yassin and the Muslim Brotherhood did not accept the secular Palestine Liberation Organization ("PLO") as the sole official representative of the Palestinian people, and subsequently began challenging representatives of PLO organizations in the trade unions, charitable societies, and universities in Gaza and the West Bank. In Gaza, where Yassin's leadership was more aggressive, the Muslim Brotherhood gradually seized control of the Islamic University of Gaza (founded in 1978) by removing members of the university's PLO-affiliated administration and replacing them with members of *Al-Mujama Al-Islami*.

assist him in dressing and eating. Despite his handicap, he runs al-Mujama al-Islami, a community organization that builds mosques and sponsors cultural activities.

45. In a January 1998 interview with a HAMAS publication, Ibrahim al-Yazuri, one of the aforementioned founders of HAMAS, offered a telling description of HAMAS's philosophy regarding charitable giving:

Everyone knows that the Islamic Resistance Movement, HAMAS, is a Palestinian Jihad movement that strives for the liberation of all Palestine, from the (Mediterranean) sea to the river (Jordan), from the north to the south, from the tyrannical Israeli occupation, and this is the main part of its concern. Social work is carried out in support of this aim, and it is considered to be part of the HAMAS movement's strategy.... The HAMAS movement is concerned about its individuals and its elements, especially those who engage in the blessed jihad against the hateful Israeli occupation, since they are subjected to detention or martyrdom. The movement takes care of their families and their children and provides them with as much material and moral support as it can. This is one of the fundamental truths of Islamic work and thus represents the duties of the Islamic state.... The movement provides this aid through the support and assistance it gives to the zakat (Islamic alms-giving) committees and the Islamic associations and institutions in the Gaza Strip.

46. Years before HAMAS was established, Sheikh Yassin and the Muslim Brotherhood in the Gaza Strip had developed the civilian infrastructure (such as *Al-Mujama Al-Islami*, *Al-Jam'iya Al-Islamiya*, the Islamic University of Gaza and other organizations) which would soon form the backbone and recruiting grounds for HAMAS's terror apparatus, later named the *Izz al-Din al-Qassam* Brigades (herein, the "Qassam Brigades").⁸

47. In January 1988, HAMAS also established a branch in the West Bank, through three of the leaders of the Muslim Brotherhood there: Jamil Hamami, Hamed Bitawi and Sa'id Bilal. As in the past, HAMAS relied on the Muslim Brotherhood's infrastructure to build

⁸ In 1984, the Israel Defense Forces ("IDF") uncovered a weapons cache in Yassin's house. He was later arrested and convicted of "establishing a radical Islamic religious organization whose aim was to destroy the State of Israel and replace it with a religious Islamic state." He was sentenced to 13 years in prison but was released a year later on May 21, 1985 as part of the "Jibril Prisoners' Exchange."

HAMAS's backbone of command and resources, while absorbing key charitable societies (such as *Al-Mujama Al-Islami* and *Al-Jam'iya Al-Islamiya*) in Gaza and zakat committees⁹ in the West Bank, and where necessary, also setting up new institutions.

B. HAMAS in the 1990s

48. In December 1992, as a result of HAMAS's increased terrorist activity, the Government of Israel deported more than 350 HAMAS operatives to Lebanon.

49. This step later became known as the *Marj al-Zuhur* Deportation because the deported Islamists were delivered to a checkpoint by that name in southern Lebanon during their brief exile.

50. The *Marj al-Zuhur* Deportation was a formative moment in HAMAS's history and mythology. It established its status as a leading Palestinian political organization and brought it to prominence in the Arab and international arenas.

51. HAMAS members who were deported to *Marj al-Zuhur* have a special place in HAMAS's history. They quickly became the most iconic members of HAMAS and later emerged as key leaders of its *da'wa*.

52. The international community condemned the deportations, and at the end of 1993, the Israeli Supreme Court determined that the Government of Israel was required to return the *Marj al-Zuhur* deportees.

53. The saga transformed the *Marj al-Zuhur* deportees into celebrities within the Palestinian arena, and they later became the backbone of HAMAS's leadership.

⁹ The term "zakat" means tithing in Arabic. This is one of the five Pillars of Islam (Arkan al-Islam). It is loosely used herein to refer to a form of semi-compulsory charitable giving.

54. On September 13, 1993, President Clinton hosted the signing ceremony in Washington, D.C. for the so-called “Oslo Accords” agreed to by the Palestine Liberation Organization (“PLO”), represented by Chairman Yasser Arafat, and Israel, represented by Prime Minister Yitzhak Rabin and his foreign minister, Shimon Peres.

55. The agreement had several significant aspects, including the withdrawal of Israeli forces from parts of the West Bank and Gaza, and the creation of the Palestinian National Authority (“PA”), headed by Chairman Arafat.

56. Under the agreement, the newly-formed PA would perform the services previously provided by Israel, including education, health, social welfare, taxation and tourism, in Gaza and the West Bank.

57. The agreement also included Mutual Recognition, whereby the Israeli Government recognized the PLO as the legitimate representative of the Palestinian people, while the PLO recognized the right of Israel to exist and purportedly renounced terrorism, violence, and the desire for the destruction of the State of Israel.

58. The Oslo Accords were not, however, universally accepted by the Palestinian factions.

59. For example, HAMAS rejected the agreement for its recognition of Israel’s right to exist.

60. For HAMAS, the Oslo Accords contradicted its most valued tenets—the destruction of the State of Israel and the creation of an Islamic state in all of what is today Israel, the West Bank, and the Gaza Strip.

61. Accordingly, HAMAS pursued a three-pronged strategy in the early 1990s.

62. First, it upgraded its terror apparatus, improving the capabilities of its Qassam Brigades and beginning to perfect its bomb-making skills.

63. Second, it intensified its efforts to subvert existing social welfare institutions—particularly in the West Bank—in order to systematically gain control of pre-existing charitable societies, zakat committees, and other religious and social institutions that would ultimately compete with the PA for the “hearts and minds” of the Palestinian public in Gaza, the West Bank, and even the Palestinian refugee camps in Jordan and Lebanon.

64. Third, it accelerated the development of its world-wide fundraising network. While HAMAS enjoyed support from wealthy patrons in the Persian Gulf, even in its prior incarnation as Sheikh Yassin’s Muslim Brotherhood “branch” in Gaza, the Oslo Accords galvanized the Muslim Brotherhood’s supporters in Europe, Africa, and even the United States.

65. HAMAS fundraisers and other operatives located abroad are key members of HAMAS’s *da’wa*, closely tied to Qassam Brigades operatives on the ground in the West Bank and the Gaza Strip, as well as to HAMAS political leaders in Turkey, Qatar, and elsewhere in the Middle East.

C. Early Media Coverage of HAMAS’s *Da’wa*

66. As early as 1994, HAMAS fundraising activities were discussed in the media. For example, an article in *The New York Times* reported:

HAMAS funding of all its activities is estimated by the Israelis at about \$30 million a year. It comes from money collected by associations operating largely abroad but with ties to the international Muslim Brotherhood network. Money is also collected from Islamic and Arab communities in the United States and in Britain, the Netherlands and other Western European locations.

67. Also, on April 14, 1994, *The Globe and Mail* (Canada) published an article titled, “Hamas evolves from political to military group” by Patrick Martin.

68. The article explained HAMAS's *da'wa* in straightforward terms and identified its best-known institution:

The group calling itself Hamas first made its appearance in 1987, at the start of the Palestinian uprising known as the intifada. Concentrated in Gaza, where Islamic tendencies have always been strong, it stemmed from a decade-old Islamic movement known as the Mujamma.... Sheik Yassin, who had been an activist in the older Muslim Brotherhood, had been imprisoned by the Egyptians during the regime of Gamal Nasser. When the Mujamma turned into the political movement Hamas, Sheik Yassin was again arrested, this time by the Israelis.

69. In 1996, *The New York Times* reported on HAMAS's intensified fundraising for its network of institutions:

Israeli, Palestinian and Western intelligence officials say Jordan is a major conduit for much of the Hamas budget, estimated at \$70 million a year, nearly all of it for the social service network of mosques, hospitals, schools and other institutions that form the movement's political base in the West Bank and Gaza Strip.

...Jordan, intelligence officials say, is a major path through which money reaches the Hamas network of mosques and charities. Jordanian intelligence reports indicate that much of the money is coming from the Persian Gulf emirates and Saudi Arabia.

70. On September 17, 1997, the British-based *Mideast Mirror* published an article titled "How to break the deadlock: Armed resistance, plus Arab pressure on U.S."

71. The article quotes the Arabic press regarding Gulf State sources of funding for HAMAS:

According to al-Hayat's sources, only some \$10 million dollars is raised annually by Palestinian Islamist charities in the Gulf, most of which is paid directly to visiting fund-raising delegations or the charities' bank accounts in Jordan, or via Palestinian support groups based in the U.S. or Britain.

Gulf-based charities also say they make a point of ensuring that recipients are recognized by the Jordanian religious affairs ministry or the PA's Jerusalem-based religious affairs department. They include the Zakat (alms) Committees in Hebron, Jerusalem, Tulkarem, Kalkilya and Gaza, which fund schools, Koran teaching classes and orphanages, provide cash or food

aid to the families of martyrs, and run self-help schemes for needy families. Gulf funding also sustains the Islamic Charitable Society in Hebron, Jerusalem's Makassed Hospital, and the Wafa Society in Gaza which looks after the elderly.

Gulf donors also insist that they have always dealt openly with such organizations, which Israel accuses of constituting the "infrastructure" of Hamas. "We used to work with these organizations in broad daylight in the days of direct Israeli occupation, and continued dealing with them under the PA, though regrettably the pressures increased with the advent of the PA," *al-Hayat* quotes one aid worker as saying.

As for higher educational institutions, the main recipient of Gulf aid is Gaza Islamic University, which has long been described as a "Hamas stronghold."

72. An August 11, 2001 article in the *Washington Post* reported:

On the streets of Gaza, and to a somewhat lesser extent in the West Bank, Hamas's status has been underpinned by a network of medical clinics, schools and welfare institutions that distribute free and subsidized food to the needy.

According to Yassin, the group distributes \$2 million to \$3 million in monthly handouts to the relatives of Palestinian suicide bombers; "martyrs" who have been killed by Israelis; and prisoners in Israeli jails. When pressed, he was vague about the provenance of the money, which, according to the State Department, comes mainly from Palestinians overseas, Iran and private benefactors in Saudi Arabia and other moderate Arab states.

D. U.S. Designations of HAMAS

73. On January 23, 1995, President Clinton issued Executive Order No. 12947. President Clinton found that "grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

74. Executive Order No. 12947 designated HAMAS a Specially Designated Terrorist ("SDT") and blocked all property and interests in property of the terrorist organizations and

persons designated in the Order, including HAMAS. HAMAS's designation as an SDT has remained in place since it was so designated.

75. On October 8, 1997, by publication in the Federal Register, the United States Secretary of State designated HAMAS a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act and the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). HAMAS's designation as an FTO has been renewed every two years since it was so designated.

76. On October 31, 2001, after the September 11, 2001 terrorist attacks on the United States, President Bush issued Executive Order No. 13224, declaring a national emergency with respect to the "grave acts of terrorism ... and the continuing and immediate threat of further attacks on United States nationals or the United States."

77. Executive Order No. 13224 designated HAMAS a Specially Designated Global Terrorist ("SDGT") and blocked all property and interests in property of SDGTs, including HAMAS. HAMAS's designation as an SDGT has remained in place since it was so designated.

E. HAMAS External Fundraising Organizations

1. HAMAS in the United States

78. In October 1993, less than one month after the public signing of the Oslo Accords, approximately 20 members of the so-called "Palestine Committee" in the United States gathered together in Philadelphia, Pennsylvania to discuss how to help HAMAS oppose the Oslo Accords.

79. The Federal Bureau of Investigation learned of the Philadelphia meeting and obtained a warrant from the Foreign Intelligence Surveillance Court to monitor the meeting, which lasted approximately three days.

80. During the meeting, the participants discussed the problems that the Oslo Accords presented for those opposed to co-existence with Israel, and attendees were admonished not to mention “HAMAS,” but rather to refer to it as “Samah,” which is HAMAS spelled backwards.

81. Attendees agreed that they must operate under an ostensible banner of apolitical humanitarian works in order to continue supporting HAMAS’s vital social recruitment effort by financially supporting institutions, organizations and programs in the West Bank and Gaza aligned with, and controlled by, HAMAS.

82. Attendees identified several charitable societies and zakat committees as “ours.”

83. The Holy Land Foundation (“HLF”) emerged from the Philadelphia meeting as the preeminent HAMAS fundraising organization in the United States.

84. However, neither HLF nor the U.S.-based Palestinian Committee worked in isolation on behalf of HAMAS.

85. Indeed, while HLF was a vital member of HAMAS’s international network of organizations dedicated to financing HAMAS’s agenda, it also worked in conjunction with organizations in Europe and throughout the world to funnel money to the same closed network of HAMAS-controlled charitable societies and zakat committees in Gaza and the West Bank.

86. HLF had offices in Texas, California, New Jersey, and Illinois, and quickly became the crown jewel in HAMAS’s global fundraising network. HLF paid for Jamil Hamami, HAMAS’s leader in the West Bank, to take at least six trips to the United States between September 1990 and November 1991 so that he could appear as a guest speaker at HLF fundraising events.

87. It also paid for another HAMAS leader, Sheikh Mohammad Siam, to travel to the United States and appear at fundraisers. These trips followed a decision by then-external (and

supreme) leader Mousa Abu Marzook to designate HLF as HAMAS's primary fund-raising entity in the United States.

88. Since 1995, when it first became illegal to provide financial support to HAMAS, HLF provided over \$12,400,000 in funding to HAMAS through various HAMAS-affiliated and controlled charitable societies and zakat committees located in Palestinian-controlled areas and elsewhere. In the year 2000 alone, HLF raised over \$13 million. An FBI investigation "determined that a majority of the funds collected by the [HLF] are used to support HAMAS activities in the Middle East."

89. This is unsurprising given the close familial relationships between HLF officers and known HAMAS leaders in the Middle East. Shukri Abu Baker, the former CEO of HLF, was the brother of HAMAS leader Jamal Issa. HLF's co-founder, Ghassan Elashi, was related by marriage to Mousa Abu Marzook, while former HLF Chairman Mohammed el-Mezain was Marzook's cousin. HLF member Mufid Abdelqader was a cousin of Khalid Mishal, who would later become HAMAS's external (and supreme) leader. Both Mishal and Marzook were designated SDGTs by the Treasury Department in 2003. Marzook had also been designated an SDT in 1995.

90. According to a November 5, 2001 memorandum written by the Assistant Director of the FBI's Counterterrorism Division, Dale Watson:

[E]vidence strongly suggests that the [HLF] has provided crucial financial support for families of HAMAS suicide bombers, as well as the Palestinians who adhere to the HAMAS movement. It is believed that by providing these annuities to families of HAMAS members, the [HLF] assists HAMAS by providing a constant flow of suicide volunteers and buttresses a terrorist infrastructure heavily reliant on moral support of the Palestinian populace. According to [an informant], in the words of Shukri Abu Baker, [HLF's] mission is to support the families of the martyrs.

91. The U.S. Treasury Department designated HLF an SDGT on December 4, 2001. In 2004, HLF and several of its directors were indicted on criminal charges that HLF was illegally supporting HAMAS.

92. In 2008, a jury found HLF and five of its former directors guilty of transferring more than \$12 million to HAMAS.

93. The convictions were affirmed in 2011 by the U.S. Court of Appeals for the Fifth Circuit.

2. HAMAS's European Fundraising Network

94. Comité de Bienfaisance et de Secours aux Palestiniens ("CBSP"), HAMAS's primary fundraiser in France, was founded in 1990 and registered there as a non-profit organization.

95. The Israeli government declared CBSP an illegal organization on May 6, 1997 because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions, and subsequently designated it a terrorist organization on January 17, 1998.

96. Interpal, HAMAS's most important fundraising organization in the United Kingdom, was formally registered as a charity with the U.K. Charity Commission on August 11, 1994 under the name "Palestinian Relief and Development Fund."

97. As early as 1995, published reports in Israel linked Interpal to HAMAS.

98. The Israeli government declared Interpal an illegal organization on May 6, 1997 because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions, and subsequently declared it a terrorist organization on January 17, 1998.

99. On August 22, 2003, following the deadly suicide bombing aboard Bus #2 in Jerusalem on August 19, 2003, in which multiple children were killed and injured, the U.S.

Treasury Department designated five HAMAS-related institutions and six senior HAMAS leaders as SDGTs.

100. The five HAMAS-related charities that were designated as SDGTs were:

1. Comité de Bienfaisance et de Secours aux Palestiniens (“CBSP”), of France.
2. Association de Secours Palestinien (“ASP”), of Switzerland (an organization affiliated with CBSP).
3. Palestinian Relief and Development Fund, or Interpal, headquartered in the United Kingdom.
4. Palestinian Association in Austria (“PVOE”).
5. Sanabil Association for Relief and Development based in Lebanon.

101. The U.S. Treasury Press Release announcing the designations of these five entities stated:

The United States government has credible evidence that the following five organizations are part of a web of charities raising funds on behalf of HAMAS and using humanitarians [sic] purposes as a cover for acts that support HAMAS. Funds are generated by, and flow through, these organizations on behalf of HAMAS.

102. According to the U.S. Treasury Department, “Interpal, headquartered in the UK, has been a principal charity utilized to hide the flow of money to HAMAS. Reporting indicates it is the conduit through which money flows to HAMAS from other charities, e.g., the Al Aqsa Foundation (designated under EO 13224 on May 29th) and oversees the activities of other charities.... Reporting indicates that Interpal is the fundraising coordinator of HAMAS. This role is of the type that includes supervising activities of charities, developing new charities in targeted areas, instructing how funds should be transferred from one charity to another, and even determining public relations policy.”

103. According to the U.S. Treasury Department, “CBSP and ASP are primary fundraisers for HAMAS in France and Switzerland, respectively. Founded in France in the late 80s/early 90s, CBSP acts in collaboration with more than a dozen humanitarian organizations based in different towns in the West Bank and Gaza and in Palestinian refugee camps in Jordan and Lebanon. ASP, a subsidiary of CBSP, was founded in Switzerland in 1994. The group has collected large amounts of money from mosques and Islamic centers, which it then transfers to sub-organizations of HAMAS. Khalid Al-Shuli is the president of CBSP and ASP.”

104. According to the U.S. Treasury Department, “PVOE is controlled by the leader of HAMAS in Austria. The money is targeted to support members of HAMAS and is funneled through other charities in Lebanon, the West Bank and Gaza or other areas of the Middle East in order to ensure the transfer of funds is undetected and reaches its intended recipients. PVOE is part of the HAMAS network of charitable organizations that includes the Al Aqsa Foundation.”

105. The Al-Aqsa Foundation, one of HAMAS’s leading fundraising organizations, had branch offices in Holland, Belgium, Denmark, Sweden, Yemen, South Africa, and Pakistan. It was founded in July 1991 in Germany (Al-Aqsa e.V.), where it was headquartered, and which served as its main branch until at least 2002.

106. On May 6, 1997, Israel outlawed the Al-Aqsa Foundation (including its German headquarters). On January 19, 1998, Israel declared it a terrorist organization.

107. In July 2002, the German government closed the offices of the Al-Aqsa Foundation located in Germany.

108. According to the closure order, “AL-AQSA e.V. advocates, supports and calls for violence as means to achieve political, religious or other goals by awakening or at least

strengthening the willingness of third parties to use violence as a political, religious or other means.”

109. On May 29, 2003, the U.S. Treasury Department designated all branches of the Al-Aqsa Foundation as an SDGT pursuant to Executive Order 13224.

110. The U.S. Treasury Press Release announcing Al-Aqsa’s designation stated:

Al Aqsa is a critical part of HAMAS’ terrorist support infrastructure. Through its headquarters in Germany and branch offices in the Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere, Al Aqsa funnels money collected for charitable purposes to HAMAS terrorists.

Other nations, including the Netherlands, Germany, Denmark, Britain, Luxembourg and Switzerland, have also taken action against the Al-Aqsa Foundation.

3. The Union of Good

111. The Union of Good (also known as the Charity Coalition or *I’tilaf Al-Khayr* in Arabic) was established in October 2000, at the beginning of the Second Intifada,¹⁰ as the umbrella organization for HAMAS’s global fundraising activity.

112. Comprising more than 50 separate organizations—several of which have been designated SDGTs by the U.S. Treasury Department, including Interpal and CBSP—the Union of Good originally began as a limited 101-day fundraising drive for emergency aid at the outset of what was later called the Second Intifada, chaired by Sheikh Yusuf al-Qaradawi, the Muslim Brotherhood’s spiritual leader. According to al-Qaradawi, “[t]he martyr operations is [sic] the greatest of all sorts of Jihad in the Cause of Allah.”

¹⁰ The term “Second Intifada,” as used herein, refers to the violent conflict which broke out at the end of September 2000 between the Palestinians and Israel. Although it has no “official” ending date, it is generally considered to have concluded at the end of 2004.

113. The Foundation for Human Rights and Freedoms and Humanitarian Relief (“IHH”) in Turkey was an active participant and member of the Union of Good.

114. Sheikh al-Qaradawi issued a Muslim religious edict (*fatwa*) that gave HAMAS and other terrorist groups religious approval authorizing suicide bombing attacks (including by women) against Israel.

115. In a July 7, 2004 interview for BBC’s “Newsnight,” al-Qaradawi, referring to the suicide attacks, said: “I consider this type of martyrdom operation as an evidence of God’s justice.”

116. The 101-day fundraising drive was so successful that the Union of Good was converted into a permanent institution. It quickly became the preeminent Muslim Brotherhood fundraising mechanism in the world, raising tens of millions of dollars for HAMAS.

117. On February 25, 2002, the Union of Good was designated by Israel in an order of the Minister of Defense of the State of Israel, based on its being “part of the Hamas organization or supporting it and strengthening its infrastructure.”

118. The Union of Good was designated by the U.S. Treasury Department as an SDGT on November 12, 2008. According to the Treasury Department:

Union of Good acts as a broker for HAMAS by facilitating financial transfers between a web of charitable organizations—including several organizations previously designated under E.O. 13224 for providing support to HAMAS—and HAMAS-controlled organizations in the West Bank and Gaza. The primary purpose of this activity is to strengthen HAMAS’ political and military position in the West Bank and Gaza, including by: (i) diverting charitable donations to support HAMAS members and the families of terrorist operatives; and (ii) dispensing social welfare and other charitable services on behalf of HAMAS.

Funds raised by the Union of Good affiliates have been transferred to HAMAS-managed organizations in the West Bank and Gaza. In addition to providing cover for HAMAS financial transfers, some of the funds transferred by the Union of Good have compensated HAMAS terrorists by providing payments to the families of suicide bombers. One of them, the Al-Salah Society, previously identified as a key support node for HAMAS,

was designated in August 2007 under E.O. 13224. The Society employed a number of members of the HAMAS military wing and supported HAMAS-affiliated combatants during the first Intifada.

119. Significantly, Al-Qaradawi is neither an obscure nor shadowy figure. On the contrary, he had his own weekly long-running television program on Al-Jazeera and has very publicly issued a *fatwa* authorizing suicide bombing attacks against Israel.

120. In fact, on April 14, 2002, al-Qaradawi appeared on *Al-Jazeera* extolling “jihad and martyrdom” against Israelis and denouncing the U.S. designation of HAMAS and other terrorist organizations.

121. HAMAS often relies on al-Qaradawi’s legal rulings in matters of current import and often turns to him to obtain legal rulings, which are published occasionally in HAMAS’s official newspapers (such as *Filastin al-Muslima*).

122. HAMAS leaders have also served openly in the Union of Good’s executive leadership. For example, the Secretary General of the Union of Good, Essam Salih Mustafa Yussuf, also acted as the Vice-Chairman of Interpal while serving on HAMAS’s executive committee under then-HAMAS leader Khalid Mishal.

F. HAMAS’s Fundraising Network in Turkey

1. Turkey’s Support for HAMAS.

123. Turkey has long been a major political and financial supporter of HAMAS.

124. Turkish President Recep Tayyip Erdogan has publicly met with HAMAS external (and supreme) leader Ismail Haniyah and Khalid Mishaal.

125. In 2011, Turkey accepted 11 Palestinian prisoners freed as part of an exchange for Israeli Soldier Gilad Shalit. A number of these individuals are HAMAS officials who remain active in HAMAS while living in Turkey.

126. One of these 11 released former prisoners is Jihad Yaghmour. He was previously sentenced to 30 years in prison for his participation in the 1994 abduction and subsequent murder of an Israeli soldier named Nachshon Wachsmann. He is HAMAS's liaison with Turkish authorities.

127. Other members of the 11 released prisoners, now based in Turkey, continue to advocate for HAMAS, including in other Middle Eastern and Asian countries.

128. In addition, Turkish authorities allow HAMAS's Qassam Brigades to operate from an office in Istanbul, which plans terror attacks and transfers funds to HAMAS's activists in the West Bank.

129. HAMAS's Istanbul office operates under the supervision of Saleh al-Aroui, vice-chairman of HAMAS's Political Bureau.

130. Aroui was one of the founders of the Qassam Brigades and re-located to Turkey in 2012. Aroui is a designated SDGT who masterminded the June 2014 abduction and killing of three Israeli teenagers, including an American citizen. Although expelled from Turkey around December 2015, he continues to run HAMAS's Istanbul office from abroad.

131. As of 2014, Aroui, and his office, had authority over HAMAS military personnel in the West Bank. For example, in 2014, Aroui led a coup attempt in the West Bank against Palestinian Authority President Mahmoud Abbas.

132. In addition, Israel has apprehended Turkish citizens for laundering money from Turkey to the West Bank.

2. Foundation for Human Rights and Freedoms and Humanitarian Relief ("IHH")

133. IHH was established in the mid-1990s as a Muslim Brotherhood fundraising organization in Turkey.

134. It is a member organization of the Union of Good and was designated an unlawful organization by Israel's Ministry of Defense on May 26, 2008.

135. IHH has conducted much of its financial business with HAMAS through the Union of Good.

136. IHH is headed by Bulent Yildirim and was, prior to and during the relevant period, well-known in Turkey as an organization that supports HAMAS.

137. During the relevant period, it maintained a branch in Gaza, headed by Muhammad Kaya.

138. On August 2, 2006, IHH funded a mass wedding in Gaza, organized by HAMAS's *Al-Jam'iya Al-Islamiya*.

139. Senior HAMAS leader Ismail Haniyah attended the ceremony.

140. IHH also funded projects at HAMAS's Islamic University of Gaza ("IUG").

141. In January 2008 an IHH delegation met with Ahmed Bahar, a senior HAMAS activist (long affiliated with *Al-Jam'iya Al-Islamiya*) who is acting chairman of HAMAS's council in the Gaza Strip. At the meeting, the delegation revealed the extent of the aid it had given HAMAS in the Gaza Strip during the preceding year and said that it intended to double the sum in the future.

142. In July 2008, IHH was banned by the Government of Israel as part of a list of 36 Union of Good member organizations "since they are part of Hamas's fundraising network."

143. On January 19, 2009, IHH and other Turkish organizations organized a public demonstration in support of HAMAS in Ankara.

144. In January 2009, IHH head Bulent Yildirim went to the Gaza Strip to participate in a rally in honor of Turkish Prime Minister Erdogan.

145. In 2009 IHH sent a representative named Ezat Shahin to open an IHH branch in the West Bank where he operated through known HAMAS institutions in Hebron and Nablus and funneled thousands of U.S. dollars to them.

146. Shahin was arrested by the Israel Security Agency in April 2010 and charged with funding terrorism and working with HAMAS, but he was soon deported to Turkey.

147. Israel designated IHH as an unlawful organization in 2008 finding that the IHH “helped directly finance the activities of HAMAS’s military wing.”

148. In January 2010, Yildirim went to the Gaza Strip again and met with HAMAS head Ismail Haniyah.

149. IHH purchased three ships that participated in the so-called “flotilla” to Gaza in 2010, including a passenger ship named the Mavi Marmaris. IHH coordinated its flotilla activities with HAMAS (which then, as now, controlled the Gaza Strip).

150. While attempting to circumvent an Israeli naval blockade, the Mavi Marmaris was boarded by Israeli commandos. The commandos were violently attacked with knives, axes, chains, and clubs by IHH supporters led by Bulent Yildirim. Three wounded Israeli commandos were dragged below deck and beaten before the Israelis responded with lethal force.

151. On December 2, 2012, the Israeli Government declared IHH a Terrorist Organization pursuant to Article 8 of the 1948 Prevention of Terrorism Ordinance.

152. In June 2015, Haniyah spoke at a HAMAS rally in Gaza and thanked and praised Turkey, Erdogan, and IHH.

III. The Islamic University of Gaza (“IUG”) Was A Core HAMAS Institution in Gaza

153. At HAMAS’s secret Philadelphia Conference in 1993, the FBI’s wiretaps caught the words of Dr. Mu’in Shabib, a HAMAS operative, describing the close connection between HAMAS and several of its core institutions in Gaza:

The principal organization known to be affiliated with us is the **Islamic University of the Gaza** region, and we will speak later regarding solutions. We mention it because it is a real wound in our heart. **Number two, the Islamic Complex, which was founded in 1973 and received a license in 1976. The activities of the Complex were then more comprehensive. The Islamic Society**, which was founded in 1976. **The *al-Salah* Society** in the region (Gaza), which supervises the sacrifices and other matters. The Young Women’s Muslim Association and **the *al-Wafa* Society for the Care of the Elderly**, the orphanage, a number of charity committees, a number of social service institutions which received new licenses, such as the Institution for Law and Justice, which cares for the prisoners. (Emphasis added.)

154. The IUG was established in 1978 after the Egyptian government retaliated against the PLO for its criticism of Egypt’s peace treaty with Israel and blocked Gazan students from studying in Egypt.

155. Sheikh Yassin used the controversy to orchestrate the violent removal of the university’s PLO-affiliated administration and replacement with *Al-Mujama Al-Islami* members. It took five years, but Yassin ultimately gained control, and the university was split into two entities: Al-Azhar University, which the PLO continued to control, and the IUG, which came under the control of *Al-Mujama Al-Islami* and Yassin.

156. Since the 1990s, the IUG has been identified exclusively with HAMAS and has served as a principal source for HAMAS recruitment into the terrorist organization’s ranks in Gaza, including the ranks of the Qassam Brigades.

157. In fact, in 2007 the Arabic newspaper *al-Mustaqbal* described the IUG as “the main stronghold of Hamas in Gaza.”

158. On May 29, 2007, the United States Department of Justice identified the Islamic University of Gaza as one of the entities that were part of the HAMAS social infrastructure in the list of unindicted co-conspirators in the criminal case of the *Unites States v. Holy Land Foundation*, No. 3:04-cr-000240-L (N.D. Tex.).

159. The Qassam Brigades has long used the IUG's facilities for its terrorist activities, such as storing weapons on its campus, using its laboratories to develop and manufacture weapons, and using its buildings to hold secret meetings of the Qassam Brigades' commanders and operatives.

160. Several of HAMAS's founders were closely identified with the IUG, including Salah Shehadah (who later founded the Qassam Brigades), Ibrahim al-Yazuri, and Abd al-Aziz al-Rantisi.

161. In fact, more than ten percent (47) of the Marj al-Zuhur deportees were employees, administrators or students at the IUG.

162. Khalil Isma'il Ibrahim al-Hayya, who also served as Deputy Chairman of *Al-Mujama Al-Islami* in the Gaza Strip between 2002 and 2005, lectured in Islamic Law at the IUG.

163. Al-Hayya is now the deputy of HAMAS's senior leader in Gaza, Yahya Sinwar.

164. HAMAS's external (and supreme) leader, Ismail Haniyah, served as the dean of the IUG.

165. Haniyah also gave a public address at the IUG in January 2010 and was a graduation commencement speaker in June 2013.

166. Al-Hayya delivered a speech at IUG in September 2014 and accepted the diploma for his "martyred" son, Osama al-Hayya.

167. Al-Hayya and Haniyah jointly, publicly visited the IUG in 2017.

168. Jamal N. al-Khoudary served as the Chairman of the Board of Trustees of IUG from 1993 until 2014.

169. Khoudary is a senior HAMAS leader who served as Minister for Telecommunications in the HAMAS-run government in Gaza.

170. The IUG's supervisory board was headed by Khayri Hafiz Al-Agha, a wealthy, senior Muslim Brotherhood leader who lived in Saudi Arabia.

171. After Khayri Hafiz Al-Agha's death in 2014, Al-Agha's son, Abu-Ubaydah Khayri Hafiz Al-Agha ("Al-Agha Jr."), assumed the position.

172. Al-Agha Jr. was designated an SDGT by the U.S. Department of the Treasury due to his role as "a senior Hamas financial officer involved in the investment, funding and money transfers for Hamas in Saudi Arabia."¹¹

IV. KUYEYT BANK Aided and Abetted HAMAS

A. KUYEYT BANK Provided Financial Services to HAMAS

173. During the relevant period, KUYEYT BANK knowingly maintained bank accounts for, and provided financial services to, HAMAS operatives, institutions and fundraisers fully understanding its role in HAMAS's illicit and violent activities.

174. The bank maintained several accounts, including a Eurodollar account,¹² for IHH that was purposefully used to transfer funds through correspondent bank accounts in the United States.

¹¹ Both Agha Jr. and the IUG had been previously named as unindicted co-conspirators in the *U.S. v. Holy Land Foundation* criminal trial in 2008.

¹² The term "Eurodollar" refers to U.S. dollar-denominated deposits at foreign banks or at the overseas branches of American banks. Because they are held outside the United States, Eurodollars are not subject to regulation by the Federal Reserve Board. The vast majority of Eurodollar funds transferred from bank to bank are cleared and settled in New York.

175. As noted above, IHH is the most prominent non-governmental fundraising support organization in Turkey for HAMAS.

176. During the relevant period, KUYEYT BANK also knowingly maintained at least one bank account and provided financial services to senior HAMAS operative Jihad Yaghmour, the organization's liaison with the Turkish authorities.

177. KUYEYT BANK also knowingly maintained at least one bank account and provided financial services to IUG, including numerous high-risk Eurodollar transfers that were purposefully directed through correspondent bank accounts in the United States.

178. In the years immediately preceding the act of terrorism at issue here, KUYEYT BANK knowingly transferred *at least* hundreds of thousands of Eurodollars through an account at KUYEYT BANK in the name of the IUG – at the direction of Jamal N. al-Khoudary, a HAMAS representative who served as the Chairman of the Board of Trustees of IUG, and, on information and belief, Al-Agha, Jr. an SDGT designated as a HAMAS fundraiser.

B. KUYEYT BANK Knew HAMAS Was A Terrorist Organization and Knew that IUG Was A HAMAS Institution.

179. Turkish media has reported extensively on HAMAS and its various institutions, including the IUG.

180. For example, in 2007 the high circulation Turkish daily newspaper, *Hurriyet*, reported on a Fatah Force 17 raid on the IUG that allegedly uncovered a weapons cache.¹³

181. In a December 29, 2008 article in the on-line Turkish news site *Haberler*, the Islamic University was described as “a cultural symbol of Hamas.”

¹³ Force-17 was an important Palestinian armed group from the early 1970s through 1993 that served as security guards for Fatah leaders including Yasser Arafat, and as his personal intelligence. Although Force-17 was officially disbanded when the Palestinian Authority was established, the vast majority of its approximately 3,000 members remained in slightly modified form as part of the Fatah's security forces and the name “Force-17” never fell out of use.

182. A detailed July 23, 2010 article in the on-line Turkish news site T24 restated the long-documented origins of HAMAS, its founding and key institutions in the Gaza Strip.

183. Turkish media reported the 2014 conference in Turkey at which HAMAS's senior leader in Turkey, Saleh al-Arouri, publicly stated that HAMAS was responsible for the aforementioned kidnapping and murder of three Israeli teenagers in the summer of 2014.

184. On March 2, 2014, *Cumhuriyet*, the oldest up-market Turkish daily newspaper, published an article on a report issued by the Washington-based think tank Foundation for Defense of Democracies that discussed Arouri's alleged support from the Turkish government and his role in supporting terrorism against Israel.

185. Likewise, in September 2015, the Turkish media reported that the U.S. Department of the Treasury had designated Abu Ubaydah Khayri Hafiz al-Agha (i.e., Al Agha Jr.), head of the IUG supervisory board, as a senior HAMAS fundraiser.

186. In sum, KUYEYT BANK understood that it was providing vital financial services to HAMAS by maintaining accounts for one of HAMAS's key institutions, its most important Turkish donor organization, IHH, and key HAMAS operatives including those working closely with the Turkish government.

187. The presence of senior HAMAS operatives in Turkey was regularly discussed in the Turkish media as was the fact that the Turkish government (controversially) publicly embraced HAMAS during the relevant period.

188. By its actions, KUYEYT BANK, IHH, IUG, Jihad Yaghmour, Jamal N. al-Khoudary, and Abu Ubaydah Khayri Hafiz al-Agha engaged in terrorist activity within the meaning of Section 212(a)(3)(B) of the Immigration and Nationality Act as defined by 8 U.S.C. § 1182(a)(3)(13)(iv)(VI).

CLAIM FOR RELIEF

**AIDING AND ABETTING HAMAS, A FOREIGN TERRORIST ORGANIZATION, IN
VIOLATION OF 18 U.S.C. § 2333(d)**

189. Plaintiffs repeat and re-allege the allegations of the foregoing paragraphs as if fully set forth herein.

190. Plaintiffs were injured by an act of international terrorism as defined by 18 U.S.C. § 2331 that was committed, planned, and authorized by HAMAS, a designated FTO at the time the act of terrorism described occurred.

191. KUYEYT BANK provided substantial assistance to HAMAS, including access to the U.S. financial system, by transferring significant sums of money to HAMAS and maintaining bank accounts for its fundraising institutions in Turkey.

192. At all relevant times, KUYEYT BANK was generally aware of its role in supporting HAMAS's conduct and terrorist activities, including HAMAS's terror financing that supported its terrorist acts.

193. HAMAS's terrorist attacks, including the terrorist attack that injured Plaintiffs, were foreseeable results of KUYEYT BANK's support for HAMAS's terrorist activities.

194. KUYEYT BANK also understood the value and importance to HAMAS of the bank's role in facilitating large transfers of funds, including U.S. dollars, from donors and co-conspirators in Turkey and making those funds available to HAMAS.

195. Plaintiffs allege that KUYEYT BANK knowingly aided and abetted HAMAS within the meaning of 18 U.S.C. § 2333(d) and within the legal framework of *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which Congress has found to provide "civil litigants with the broadest possible basis" for relief against those "that have provided material support, directly or

indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.” *See* Justice Against Sponsors of Terrorism Act (“JASTA”), § 2b.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- (a) Accept jurisdiction over this action;
- (b) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for compensatory damages in amounts to be determined at trial;
- (c) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for treble damages pursuant to 18 U.S.C. § 2333(a);
- (d) Enter judgment against KUYEYT BANK and in favor of Plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys’ fees, pursuant to 18 U.S.C. § 2333(a); and
- (e) Grant such other and further relief as justice requires.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: September 23, 2019

Respectfully submitted,

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